



**U.S. Customs and
Border Protection**

October 25, 2011

MEMORANDUM FOR: Directors, Field Operations

FROM: Assistant Commissioner
Office of Field Operations

(b)(6)(b)(7)(C)

SUBJECT: Field Office Review of Expedited Removal Cases

Recent media stories have highlighted issues regarding U.S. Customs and Border Protection's (CBP) use of the statutory authority to apply Expedited Removal for inadmissible arriving applicants for admission to the United States. The statutory authority for CBP officers to make use of the Expedited Removal is found in Section 235(b)(1) of the Immigration and Nationality Act [8 U.S.C. 1235(b)(1)], stating in part: "If an immigration officer determines that an alien ... who is arriving in the United States ... is inadmissible under section 212(a)(6)(C) or 212(a)(7), the officer shall order the alien removed from the United States." The Expedited Removal authority granted to CBP officers is subject to the review, and if there is a pattern of the incorrect application of this authority, the authority may be revoked.

In addition to reviews of Expedited Removal cases that are conducted for compliance with the Self Inspection Program, each Field Office must conduct a quarterly review (minimum 25%) of all Expedited Removal cases that have been processed at all ports within their jurisdiction. When reviewing the Expedited Removal cases from those ports of entry that process a minimal number of Expedited Removal cases (less than 10 per quarter); the Field Office must review all Expedited Removal cases processed at those ports.

The Field Office review will consist of:

- The legal sufficiency for the case;
- The use of the correct inadmissibility charge in the case;
- The sworn statement;
- The paperwork and forms completed for the case; and,
- Evidence of supervisory and managerial review of the case.

Each Field Office must submit to Headquarters, Office of Field Operations, Admissibility and Passenger Programs, a summary of the findings found in the review of the Expedited Removal cases and prepare an action plan to correct the deficiencies discovered during the review, no later than 15 days after the end of each quarter.

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Please ensure that this memorandum is disseminated to all ports of entry within your jurisdiction. Should you have any questions or require additional information, please contact (b)(6)(b)(7)(C) Executive Director, Admissibility and Passenger Programs at (202) (b)(6)(b)(7)(C).

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